

## **REMARKS**

The enclosed is responsive to the Office Action mailed on June 1, 2005, and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114. At the time the Office Action was mailed claims 23-30 were pending. By way of the present response the Applicants have: 1) amended claims 23 and 27; 2) added no new claims; and 3) canceled no claims. As such, claims 23-30 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

### **Claim Rejections**

#### **35 U.S.C. 103(a) Rejections**

The Office Action rejected claims 23-25 and 27-29 under 35 U.S.C. 103(a) as being unpatentable over Buskens, U.S. Patent 5,905,871 (hereinafter "Buskens") and Majd, U.S. Patent 6,587,974 (hereinafter "Majd"), in view of Olkin U.S. Patent 6,310,892 (hereinafter "Olkin").

Applicants' respectfully submit the combination does not describe what Applicants' claims 23 or 27 requires. Specifically, the combination does not at least describe:

a source node to transmit a data packet to a  
target node;

a plurality of intermediate nodes communicatively coupled in succession between the source node and the target node, each of the intermediate nodes to receive the data packet from either the source node or a previous intermediate node in succession, and transmit the data packet to either a next intermediate node in succession or to the target node, each of the intermediate nodes and the source node having a programmable retry timer associated therewith, each retry timer programmed with retry time period after which the intermediate node or the source node will retransmit the data packet if the intermediate node or the source node has not received an appropriate response to said data packet;

the source node and the intermediate nodes to employ a transaction control scheme wherein the retry timer of the source node is programmed with a relatively larger retry time period than any of the intermediate nodes and wherein intermediate nodes located relatively further in succession from the source node have their retry timers programmed with a relatively smaller retry time periods than intermediate nodes located relatively closer in succession to the source node.

Buskens describes a method of multicasting from a “source node” to a plurality of “destination nodes.” The designated receivers (DR) and sender (S) of Buskens may use several different timing mechanisms each with a different purpose. (See listing of timer functions on col. 11, lines 41-57.) One of these timers is the retransmission timer (T\_retx). (See, for example, col. 6, line 66 to col. 7, line 7.) However, Buskens does not describe that a DR and S have retransmission timers that vary based on a location relative to the source node. Nor does Buskens describe that the T\_retx is programmable.

Olkin describes that a retry timer of a source node may be adjusted after observation of previous round-trip times. For example, at column 7, lines 6-12, Olkin describes that:

. . . round-trip times taken for successful acknowledgments of transmission are observed and used to constantly adjust the retransmission timer. The adjustment of the retransmission timer permits adaptation to existing network and node conditions, thereby avoiding retransmissions based on a particular link that is consistently slower than other links.

Olkin does not describe other nodes in the network as having an adjustable retry timer.

Majd describes a method of detecting and correcting a fault in a signal transmission system. (See Abstract). Majd states that “the greater the length of the transmission path the longer time it will take a signal to propagate from one point to another on the transmission path.” (Col. 1, lines 37-39). Majd does not describe anything regarding nodes having a retry timer.

Accordingly, the combination of Buskens, Olkin, and Majd would be a system where a source node (and only the source node) has a retransmission timer that is adjustable based on existing network and node conditions. This combination does not describe what Applicants' claims 23 and 27 require wherein "the source node and the intermediate nodes to employ a transaction control scheme wherein the retry timer of the source node is programmed with a relatively larger retry time period than any of the intermediate nodes and wherein intermediate nodes located relatively further in succession from the source node have their retry timers programmed with a relatively smaller retry time periods than intermediate nodes located relatively closer in succession to the source node".

Accordingly Applicants submit that claims 23 and 27 are in condition for allowance and that the rejections regarding these claims have been overcome. Because Claims 24-25 and 28-29 depend from Claim 23 or 27 and include additional features, Applicants respectfully submit that Claims 23-25 and 27-29 are in condition for allowance.

The Office Action rejected claims 26 and 30 under 35 U.S.C. 103(a) as being unpatentable over Buskens, Majd, Olkin and further in view of Pierson, U.S. Patent 6,632,844 (hereinafter "Pierson"). As Claims 26 and 30 depend from Claim 23 or 27 and include additional features, Applicants respectfully submit that Claims 26 and 30 are in condition for allowance

In light of the comments above, the Applicants respectfully request the allowance of all claims.


## CONCLUSION

Applicants respectfully submit that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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